

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educator)	CONSENT ORDER OF
)	
Certificate of Timothy W. Shaw)	VOLUNTARY SURRENDER
)	
Certificate # 161122)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 9, 2004. On October 2, 2003, the South Carolina Department of Education (Department) sent Mr. Timothy W. Shaw a notice of his right to a hearing before the State Board concerning the possible suspension or revocation of his South Carolina educator certificate (certificate) number 161122 by certified mail, return receipt, restricted delivery, and regular mail. Mr. Shaw received the notice as evidenced by a postal receipt bearing the signature of his spouse and initially requested a hearing. A hearing was scheduled for June 10, 2004, before John J. Fantry, Jr., Esquire, a hearing officer appointed by the State Board. Prior to that date the Department offered Mr. Shaw an alternative resolution in lieu of the hearing where the Department would seek the revocation of his certificate. Mr. Shaw agreed to the voluntary surrender of his certificate. The agreement allows Mr. Shaw the right to re-apply for a certificate after three years from the date of this order. If he chooses to re-apply for a certificate, Mr. Shaw must undergo a character fitness review by the State Board. This surrender will be reported to the NASDTEC Clearinghouse and all South Carolina school districts on the grounds of unprofessional conduct. After considering the evidence presented, the State Board voted to accept the voluntary surrender of Mr. Shaw's certificate upon the terms set forth above.

Timothy W. Shaw # 161122
Initials
Date

Mr. Shaw holds a valid South Carolina certificate with over twelve years of teaching experience. He was under contract with the Darlington County School District (District) for the 2003-2004 school year as a physical educator teacher at St. John's Elementary School. On August 12, 2003, District officials confiscated the computer in Mr. Shaw's office after they received an anonymous tip that there may be pornographic materials on the computer. On August 13, 2003, Mr. Shaw admitted to District officials

that he had an addiction to pornography. On August 14, 2003, Mr. Shaw submitted his resignation.

CONCLUSIONS OF LAW

“The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person.” S.C. Code Ann. § 59-25-150 (1990). Just cause includes “Unprofessional conduct ...Immorality...and...Evident unfitness for the position for which employed.” S.C. Code Ann. § 59-25-160 (1990). The State Board finds that the preponderance of the evidence presented supports its decision to accept the voluntary surrender of Mr. Shaw’s certificate # 161122, effective March 9, 2004, upon the conditions set forth above.

South Carolina State Board of Education

By: /S/ Mary E. Jones

Dr. Mary E. Jones

Chair

Columbia, South Carolina

March 9, 2004

I, Timothy W. Shaw, SC Teaching Certificate # 161122, do hereby agree to the proposed Consent Order of Voluntary Surrender, consisting of two pages, and understand that this Order will be presented as signed to the State Board of Education on Tuesday, March 9, 2004, for approval.

/S/ Timothy W. Shaw
Timothy W. Shaw

3/1/04
Date